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Commentary on Beth Innocenti's "Crying Foul to Counter Questionable Tactics"

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Dr. Innocenti gives us both a fine explanation of the corrective force of crying foul strategies and a convincing demonstration of the usefulness of a "normative pragmatic" approach to such questions. Her paper gives rise to some very interesting questions, and I want to voice just a few of them in the hopes of contributing to our discussion.

Dr. Innocenti's account makes me very curious about the responses made by those who had been accused of questionable tactics. I'm curious about that because I suspect that the corrective pressures deployed by crying foul are typically opposed by some strong incentives to dodge the accusation instead of mending one's ways. If you accuse me of using some questionable tactic, I might indeed decide to clean up my act, but if I do, I accept some significant risks. By changing my tune, I may seem to be admitting my guilt in violating the norm you have articulated. Or I may seem to be admitting that I am not competent in argument—as if I didn't even know about that norm. Neither of these is good for me. You (as my opponent) and the other auditors will be even less inclined to take me seriously. You may even question whether or not I'm really entitled to be a participant in the debate. I have, in essence, revealed myself to be untrustworthy in tracking the force of the better argument. Indeed, if you are in a cynical and devious mood yourself, you might accuse me of questionable tactics precisely because you wish to harm my credibility in these ways.

So when you cry foul, I may feel a need to elude or evade the accusation. I may respond to you by questioning the validity of the norm that you articulated, or I may deny that I violated the norm. I could also make a counter-accusation of the sort that is often heard these days: "You attack my tactics because you have no arguments against my points." There is even that tricky form of evasion frequently featured in fictional courtroom dramas. I ask the witness: "Didn't you say that everyone in the neighbourhood knew the identity of the killer?" You (as lawyer for the accused) say: "Objection! That's hearsay!" But before the judge can say anything, I hold up my hand obligingly and say: "I withdraw the question." What happened here? You cried foul, and I changed my tactics. But I did so without really acknowledging the validity of the norm you articulated. With luck, I can make it look as if I can afford to abandon *any* tactic, so confident am I of my

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case. Your accusation successfully moves me to a different tactic, but I end up gaining rhetorically, and in the end it isn't easy to say that the quality of the argument improved.

My point here is that your crying foul may pressure me to straighten up, but it also may pressure me to try to get out of it, or even to turn your accusation to my advantage—and there are rhetorical techniques available for doing just that. Dr. Innocenti has given us the mechanism by which crying foul can encourage better argumentative practice. If we could see how arguers in different circumstances respond to such accusations, we may be able to measure the force or pressure that she has so clearly explained. With this in mind, I would love to hear about how they responded, back in Virginia, when someone cried foul.

[Link to paper](#)